

Message

From: Ed Stone -MDE- [ed.stone@maryland.gov]
Sent: 4/28/2020 1:45:17 PM
To: Price-Fay, Michelle [Price-Fay.Michelle@epa.gov]
Subject: Re: Checking in

Michelle: My team accepts and welcomes your proposal to drop the idea of the 1.5 rollover permit and get you a draft MSGP permit no later than the end of July. Lets continue that conversation.

- Ed



Ed Stone

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On Tue, Apr 28, 2020 at 8:39 AM Ed Stone -MDE- <ed.stone@maryland.gov> wrote:
Sounds like it would be a good idea to connect. I can make that time.



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On Tue, Apr 28, 2020 at 7:12 AM Price-Fay, Michelle <Price-Fay.Michelle@epa.gov> wrote:

Good morning Ed,

Apologies for not communicating after my first email yesterday. I didn't pick up my phone last night after logging off.

I am not 100% sure what you mean as a roll over permit? Do you mean the short reissuance for your industrial permit? your situation is a little different then where the other matter applied. That GP did not expire prior to the short reissuance.

In terms of what EPA's MSGP, all I can reference is what has been done in the past vs what is being discussed with the current MSGP. I know that our legal team has been digging into a question posed your OAG and she and I haven't had a chance to catch up. I will ping her this morning.

With regard to the CGP interim approvals, does that mean MDE registrations until the new permit is in effect just as it is now? Orders would allow you to provide the gap between what the old permit requires and have the facility take time to plan for the permit as it is going through the process

I have a short break this morning between 9 and 9:30. Do you want to try and connect?

Michelle Price-Fay, Chief

Clean Water Branch

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From: Ed Stone -MDE- <ed.stone@maryland.gov>

Sent: Monday, April 27, 2020 4:03 PM

To: Price-Fay, Michelle <Price-Fay.Michelle@epa.gov>

Subject: Re: Checking in

Michelle,

My proposed timing for drafts is unchanged but I don't recall what your view of that schedule is. Can this email followup be a two way dialogue about what each is considering?

We've determined it's not feasible to try to issue individual industrial permits until the roll-over industrial general permit is issued. Instead we will need enforcement discretion approach or consent orders. You are still supportive of roll-over approach since you saw that work elsewhere already?

We are working with our OAG to see how feasible it is to issue consent orders to all future registrations, for both the CGP and the industrial GP, until general permits are reissued. However, if you anticipate that EPA National is not going to go that far with their registrations after June expiration of MSGP, I would appreciate it if you would encourage the MDE OAG on the scheduled call tomorrow to instead emulate the approach under consideration for your EPA industrial permit. If MDE comes out with a stronger approach than EPA, that would be awkward for all.

I also mentioned the possibility of a stronger requirement in the interim approvals for CGP, but that appears to be more problematic. We may default to the existing terms of the permit.



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On Mon, Apr 27, 2020 at 3:51 PM Price-Fay, Michelle <Price-Fay.Michelle@epa.gov> wrote:

Ed,

Just checking in to see if there is change in the direction that you all were going with regard to the permits last week?

M

Michelle Price-Fay, Chief

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